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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,074	08/01/2003	Christopher A. Williston	AFD 626T	2216

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DEPARTMENT OF THE AIR FORCE  
AFMC LO/JAZ  
2240 B ST., RM. 100  
WRIGHT-PATTERSON AFB, OH 45433-7109

EXAMINER
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CHUKWURAH, NATHANIEL C

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/632,074	<b>Applicant(s)</b> WILLISTON, CHRISTOPHER A.	
	<b>Examiner</b> Nathaniel C. Chukwurah	<b>Art Unit</b> 3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackburn (US 846,389).

Blackburn discloses a coupler capable of use for driving a tent stake comprising: an axially elongated body (4) having a first end ("F" as designated in fig. 2) and a second open end ("S" as designated in fig. 2); a pair of slots (11) adjacent the open end and orthogonal to the elongated body; a pair of retractable keepers (12) slidable received within the slots; a pair of release levers having a distal end and pivotably attached to the elongated body; a pair of spring (15) for urging the release levers into closed position; a threaded portion ("T" as designated in fig. 2) for attachment.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn in view of Goward (US 4,570,980).

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Blackburn's keepers lack a notch. However, Goward teaches a keeper (39) including a notch (42) for receiving the inner part as shown in Figure 4. In view of the teachings of Goward, it would have been obvious to one skill in the art to provide the keepers of Blackburn with notch in order to receive a bar (6).

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn in view of Schiff (US 2,525,316).

Blackburn as set forth above, lacks a sliding hammer including a shaft having a elongated portion and a distal end. However, Schiff discloses a post driver and ejector (see figs. 1&2) having a sliding hammer (15) including a shaft (13 sleeve) having elongated portion and a distal end. In view of the teachings of Schiff, it would have been obvious to one skill in the art to provide the boring post-holes tool of Blackburn with a slide hammer in order to improve Blackburn tool since the tool is used for erecting post.

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn in view of Schiff as applied to claims 9 & 10 and further in view of Goward.

Blackburn's keepers lack a notch. However, Goward teaches a keeper (39) including a notch (42) for receiving the inner part as shown in Figure 4. In view of the teachings of Goward, it would have been obvious to one skill in the art to provide the keepers of Blackburn with notch in order to receive a bar (6).

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Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn in view of Schiff and Goward.

Blackburn as set forth above, lacks a sliding hammer including a shaft having an elongated portion and a distal end. However, Schiff discloses a post driver and ejector (see figs. 1&2) having a sliding hammer (15) including a shaft (13 sleeve) having elongated portion and a distal end. In view of the teachings of Schiff, it would have been obvious to one skill in the art to provide the boring post-holes tool of Blackburn with a slide hammer in order to improve Blackburn tool since the tool is used for erecting post.

Blackburn's keepers lack a notch. However, Goward teaches a keeper (39) including a notch (42) for receiving the inner part as shown in Figure 4. In view of the teachings of Goward, it would have been obvious to one skill in the art to provide the keepers of Blackburn with notch in order to receive a bar (6).

### ***Conclusion***

Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations of the claimed invention.

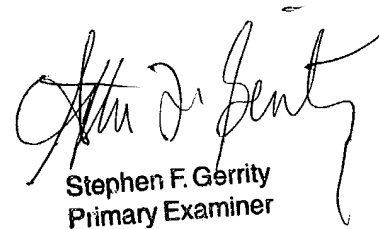
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathaniel C. Chukwurah whose telephone number is (703) 308-6385. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nc



Stephen F. Gerrity  
Primary Examiner